

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

M100290
E/ct

A. GAIL PRUDENTI, P.J.
WILLIAM F. MASTRO
REINALDO E. RIVERA
PETER B. SKELOS
ARIEL E. BELEN, JJ.

2003-09401

DECISION & ORDER ON MOTION
FOR REINSTATEMENT

In the Matter of Claude Nelson Stuart,
a suspended attorney.

(Attorney Registration No. 2238061)

Motion by the respondent for reinstatement as an attorney and counselor-at-law. The respondent was admitted to the Bar at a term of the Appellate Division of the Supreme Court in the Second Judicial Department on January 18, 1989. By decision and order on application of this court dated April 26, 2004, the Grievance Committee for the Second, Eleventh, and Thirteenth Judicial Districts was authorized to institute and prosecute a disciplinary proceeding against the respondent, and the issues raised were referred to John P. Clarke, Esq., as Special Referee to hear and report. By opinion and order of this court dated September 26, 2005, the respondent was suspended from the practice of law for a period of three years based on the Special Referee's report which sustained one charge of professional misconduct (*see Matter of Stuart*, 22 AD3d 131). By decision and order on motion of this court dated January 11, 2006, the respondent's motion, inter alia, for leave to renew and/or reargue the opinion and order dated September 26, 2005, or alternatively, for leave to appeal to the Court of Appeals from the opinion and order, was denied.

Upon the papers filed in support of the motion and the papers filed in relation thereto,
it is


ORDERED that the motion is denied.

We find that the respondent does not demonstrate the requisite fitness and character
to practice law.

PRUDENTI, P.J., MASTRO, RIVERA, SKELOS and BELEN, JJ., concur.

SUPREME COURT, STATE OF NEW YORK
APPELLATE DIVISION SECOND DEPT
I, JAMES EDWARD PELZER, Clerk of the Appellate Division of the Supreme Court, Second Judicial Department, do hereby certify that I have compared this copy with the original filed in my office on 3/23/2010 and that this copy is a correct transcription of said original.

ENTER:


James Edward Pelzer
Clerk of the Court

IN WITNESS WHEREOF I have hereunto set my hand and affixed
the seal of this Court on 3/24/2010

March 23, 2010

MATTER OF STUART, CLAUDE NELSON



MANUEL A. ROMERO
Chairman

*for the
Second, Eleventh and
Thirteenth Judicial Districts*

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THOMAS GRAHAM AMON
Assistant Counsel

March 30, 2010

CONFIDENTIAL

Hon. James Edward Pelzer
Clerk of the Court
Appellate Division, Second Department
45 Monroe Place
Brooklyn, New York 11201

RE: *Matter of Claude Nelson Stuart*
2003-09401

RECEIVED
10 MAR 30 PM 2:23
APPELLATE DIVISION
SECOND DEPARTMENT

Dear Mr. Pelzer:

Enclosed please find an Affidavit of Service by Mail of a Decision & Order on Motion for Reinstatement, dated March 23, 2010, upon Paul T. Gentile., Esq., Attorney for Respondent, in the above-referenced matter.

Very truly yours,

Melissa D. Broder
Assistant Counsel

MDB/jvd
Enclosure

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SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION: SECOND JUDICIAL DEPARTMENT

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In the Matter of the Application of Claude Nelson Stuart,
a suspended attorney,

:
: **AFFIDAVIT OF**
: **SERVICE BY MAIL**

For Reinstatement as an Attorney and Counselor-at-Law
in the State of New York.

:
: 2003-09401
:


(Attorney Registration No. 2238061)
----- X

STATE OF NEW YORK)
) ss.:
COUNTY OF KINGS)

JANICE VAN DYK, being duly sworn, deposes and says: Deponent is not a party to the action, is over 18 years of age, and resides in Richmond County, New York.

On Tuesday, March 30, 2010, deponent served a **DECISION & ORDER ON MOTION FOR REINSTATEMENT**, dated March 23, 2010, with **NOTICE OF ENTRY**, dated March 30, 2010, by regular first class mail, upon:

Paul T. Gentile, Esq., Attorney for Respondent in this action, located at 261 Madison Avenue, 25th Floor, New York, New York 10016, by depositing a true copy of same in a post-paid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.


JANICE VAN DYK

Sworn to before me this
30th day of March 2010


NOTARY PUBLIC

MAUREEN F. ROALDSEN
Notary Public State of New York
No. 24-4995472
Qualified in Kings County
Commission Expires April 27, 2014